

Minutes City Council Work Study Session October 13, 2016

Minutes of the Tempe City Council Work Study Session held on Thursday, October 13, 2016, 4:00 p.m., in the City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

COUNCILMEMBERS PRESENT:

Mayor Mark W. Mitchell
Councilmember Kolby Granville
Councilmember Lauren Kuby
Councilmember David Schapira

Vice Mayor Robin Arredondo-Savage
Councilmember Randy Keating
Councilmember Joel Navarro

STAFF PRESENT:

Andrew B. Ching, City Manager
Judi Baumann, City Attorney
Brigitta M. Kuiper, City Clerk
Lily Villa, Senior Social Services Coordinator
Caterina Daneri, Management Assistant II
Kim Van Nimwegen, Homeless Coordinator
Jeff Tamulevich, Interim Community Development Dir.

Ken Jones, Deputy City Manager – Chief Financial Officer
Steven Methvin, Deputy City Manager – Chief Operating Officer
Marie Raymond, Education Coordinator
Valerie Kime Trujillo, Deputy Human Services Director
Naomi Farrell, Human Services Director
David Humble, Police Commander
Various Department Heads or their representatives

Mayor Mitchell called the meeting to order at 4:06 p.m.

Call to the Audience

Lloyd Thomas, Tempe, discussed public safety issues related to homeless activity in Papago Park, and expressed support for providing resources for homeless individuals.

Lasse Norgaard-Larsen, Tempe, Friends of Papago Park representative, expressed concerns about permanent damage to Papago Park trails, attacks by homeless individuals, litter, and fire damage to the Arizona Historical Society Museum. The City is self-insured and needs to maintain the safety and cleanliness of Papago Park and enforce laws uniformly.

Jessica Gade, Tempe, Friends of Papago Park representative, voiced concerns regarding the unsafe and unclean conditions in Papago Park (Park) related to homeless and transient activities. She discussed her experiences being homeless and noted that she was attacked in the Park. She does not take visitors to the Park because it is unsafe. Residents that live near Tempe Town Lake will want to use the Park.

Gerrit Mack, Tempe, echoed earlier comments and added that Papago Park is unfit for recreational purposes; \$83,000 was spent on picking up litter in the Park. The City should implement solutions that humanely and holistically address homelessness issues, including maintenance issues in City parks.

Kim Loza, Tempe, member of the Canal Park and North Tempe (NTNA) Neighborhood Associations, noted that she is speaking on behalf of herself. She discussed the increasing number of homeless individuals, urban camping, litter, and environmental damage in Papago and Evelyn Hallman Parks; and, concern for how residents and park users are impacted. Additional law enforcement resources and more housing options are needed to assist homeless individuals, and to address health and safety issues.

Deb Gain-Braley, Tempe, NTNA and Papago Park View Neighborhood Association representative, stated that the City and Maricopa County have allocated a significant amount of resources to address homelessness issues in parks; additional resources are needed. She discussed the Town Hall on Homelessness and her interest in participating in the City's "Housing First" initiative. She thanked City staff for cleaning up parks. She expressed support for park preservation and emphasized the importance of balancing enforcement with humanitarian issues and initiatives.

Mariam Ephraim, Tempe, Tempe Neighborhoods Together member, expressed support for the City collaborating with the Interfaith Homeless Emergency Lodging Program (IHELP) to provide temporary and transitional housing to homeless individuals.

Councilmember Kuby acknowledged the complexity of the homelessness issue and expressed an interest in exploring a variety of services, in addition to IHELP.

Darlene Justus, Tempe, thanked the City Council for considering the preservation of Papago Park, and thanked staff their assistance in working on a City Charter amendment for a Desert Park Preserve designation. She expressed concern regarding the growing homeless population in Papago Park, litter, fear among residents and park users, and damage to park trails and the environment. Tempe needs a homeless shelter; a regional solution is also needed.

Issue Review Session Items

Mayor's Youth Advisory Commission Update

Marie Raymond, Education Coordinator, stated that Mayor's Youth Advisory Commission (MYAC) members will provide an update on their activities over the last six months. Lily Villa, Senior Social Services Coordinator and staff liaison for MYAC, introduced Nomith Murari, MYAC Chair; Daniel Bish, MYAC Vice Chair; and Sophia Gonzalez, Youth Town Hall Chair.

Mr. Murari stated that MYAC is in its 37th year of existence, and thanked the City Council for their support of Tempe's youth. Over the past six months, MYAC has worked on the Concrete Impacts by Tempe Youth (C.I.T.Y.) community garden project at the Tempe Public Library; relocated the venue for the Youth Town Hall event to the Tempe Center for the Arts; worked on implementing the 2016 Youth Town Hall recommendations; represented Tempe at the League of Arizona Cities and Towns (League) Youth Program; and, participated in a Leadership Retreat and a training event.

MYAC members provided an overview of the MYAC Leadership Retreat and thanked City staff for organizing activities at the Fire Training Center. MYAC implemented a 2016 Youth Town Hall recommendation to provide financial literacy classes at the Tempe Public Library and is working with College Connect to promote the program. MYAC is currently planning the 2017 Youth Town Hall event; topics will be based on the City Council strategic priorities.

Councilmembers thanked MYAC members for participating in the League's Youth Program; sponsoring the Youth Town Hall event; helping to implement recommendations on issues concerning youth; and, for continuing to engage youth. Councilmembers also commended MYAC members for their leadership, and thanked Ms. Villa for her work. MYAC will provide updates to the City Council every six months.

Fiscal Year 2015-2016 Agency Review Impact Report

Valerie Kime Trujillo, Deputy Human Services Director, thanked the City Council for their ongoing support in providing funding for human services' needs. Ms. Trujillo introduced Caterina Daneri, Management Assistant, to present Agency Review funding outcomes, as detailed in the Fiscal Year (FY) 2015-2016 Agency Review Impact Report.

Ms. Daneri delivered a slide presentation outlining the Agency Review community involvement process. Volunteers conducted interviews, developed recommendations, and with the participation of the Tempe Community Council (TCC) Board, visited 10 agencies.

Elizabeth Cling, Chair of the Agency Review Enhancement Committee and Vice President of the TCC Board of Directors, discussed funding allocated for programs and services that address the needs of youth, homeless, working poor, survivors of domestic violence, individuals with disabilities, and seniors; 30,948 Tempeans were served. Ms. Cling presented highlights of the measurable outcomes achieved.

Councilmembers and Ms. Trujillo discussed ways to promote the Arizona Charitable Tax Credit, Tempe's Help to Others Program (H2O), interest-free tax credit bank loans, and other donation opportunities.

In response to questions from Councilmembers, Ms. Daneri stated that the priorities from the FY 2016-17 Community Needs Assessment will be incorporated into future Agency Review processes. Ms. Trujillo outlined the services that Community Bridges provides to homeless individuals.

Councilmembers conveyed support for exploring opportunities to provide more stable and permanent housing resources to homeless individuals with substance abuse and/or mental health issues, and encouraging more Tempe-based organizations to participate in the Agency Review process. Ms. Trujillo explained that Agency Review services are provided to Tempeans, although some of the agency offices are located in surrounding jurisdictions. Staff is collaborating activities with the Tempe Homeless Coalition.

Councilmembers expressed appreciation to City staff, TCC Board members, and Agency Review volunteers for their work. Councilmembers noted that the City administers social services programs, in addition to the assistance provided to outside agencies. There should be an emphasis to provide additional resources to prevent the working poor in Tempe from becoming homeless.

Based on the discussion, staff will research and develop measurable standards for the Agency Review impact categories (youth, homeless, working poor, survivors of domestic violence, individuals with disabilities, and seniors) to incorporate into next year's process. Staff will provide a comprehensive report of Agency Review impacts, including social services programs that the City administers.

Tempe's Work to End Homelessness

Andrew Ching, City Manager, discussed the increasing concerns from the community regarding the impact of homelessness in Tempe, especially in City parks. Staff will present a long-term strategy for ending homelessness in Tempe and is committed to achieving this goal. The long-term solution will be humane and human services-centered. It is important to provide and maintain enjoyable, safe, and healthy parks and public spaces; enforce the City's rules and ordinances; and, offer support and services to homeless individuals. Staff will continue to work on addressing safety and quality of life issues related to parks and public spaces and recognizes the need to implement short-term solutions for addressing homelessness impacts.

Naomi Farrell, Human Services Director, stated that the purpose of this presentation is to provide an overview of the state of homelessness in Tempe, staff's strategy addressing the issue, and insight regarding successful collaborations among City staff and community partners. Ms. Farrell introduced Kim Van Nimwegen, Homeless Coordinator.

Ms. Farrell delivered a slide presentation describing the coordinated efforts among various City departments, working groups, Tempe Community Council (TCC), Tempe Homeless Coalition (Coalition), Downtown Tempe Authority, and community members. City departments have collaborated to implement a compassionate approach toward addressing homeless encampments in parks; this approach coordinates outreach, enforcement, cleanup, and providing assistance to homeless individuals. Since June, 2016, staff has removed 31 tons of trash from parks, with over 400 labor hours spent on Papago Park cleanups. Staff will continue to coordinate these activities.

Ms. Van Nimwegen discussed how differing demographics experience homelessness. She defined the chronically homeless population as individuals who have a serious disability and who have been homeless for at least one year, or individuals that have experienced four episodes of homelessness in the last three years. She reviewed statistics about the chronically homeless population, which typically represents 10% of the total homeless population, consumes approximately 50% of homelessness resources, and are heavy users of public resources. The "Housing First" model provides housing and coordinates services for chronically homeless individuals; 85% of Housing First tenants do not return to homelessness. Rapid rehousing is also a successful intervention model.

Ms. Van Nimwegen reviewed the City's efforts to assist homeless veterans in finding permanent housing. Dishonorably discharged veterans do not receive priority for services.

Ms. Van Nimwegen reported that over 50 agencies are currently providing human services in Tempe. The City collaborates with Maricopa County through a regional approach by leveraging various resources and engaging new partners. Maricopa County, through the U.S. Department of Housing and Urban Development (HUD) and the Continuum of Care (CoC), receives \$26 million annually for homeless services, which affects Tempe. The Arizona Department of Housing has allocated \$1 million to rapid rehousing. HUD and the U.S. Interagency Council on Homelessness provide guidance on Housing First, permanent supportive housing, and rapid rehousing as solutions.

Ms. Farrell noted that the issue of homelessness is complex and there are limited resources. Prioritizing and targeting resources for the greatest impact is critical. Staff is working on a strategy to prioritize addressing the chronically homeless population in parks, while strengthening Tempe's homeless response system and connecting it to the community. A holistic approach to homelessness will provide the following benefits:

- Reduce the resource burden to address symptoms of homelessness.
- Reduce the duration of homelessness.
- Leverage coordination among stakeholders to identify funding sources and pursue intellectual, capital, and technical assistance from various entities.
- Tempe would be part of a regional system that could provide additional resources.

Ms. Farrell discussed the proposed strategy and noted that it will likely require additional funding or resources as part of the City's future budget planning processes. The next steps include continued coordination of efforts within the City, strengthening regional collaborations, City Manager Working Groups, and refining the strategy. The City must determine the size, scope, and scale of homelessness, which will require collaborative data collection and evaluation to determine the appropriate resources needed. The City's service providers are collecting data. The Coalition will compile the data for City Council consideration. The Working Group is looking at the Housing First Approach to Homelessness by researching housing options, single site versus scattered sites, permanent supportive housing, and rapid rehousing. Staff is seeking City Council input to refine this strategy.

In response to a question, Ms. Farrell clarified that the \$10 million allocated by the City for homeless assistance includes the cost of reallocating a current full-time Police Officer to a Park Officer position. That funding does not cover City Court, Fire Medical Rescue Department (FMRD), Police Department, and City Attorney's Office costs.

Councilmembers thanked staff for presenting a proposed strategy, conducting park cleanups, collaborating with community partners to develop long-term solutions to address homelessness, and for hosting the Solution-Oriented Town Hall on Homelessness. Councilmembers also expressed appreciation for the work of the Homeless Task Force and the Working Group. The Working Group will present recommendations to the City Council for consideration and feedback.

Councilmembers discussed balancing resources, the City's ability to enforce rules and ordinances, opportunities to assist the homeless and educate them about available services, providing scattered housing for homeless individuals, developing measurable goals related to homeless services, the impacts of homeless-related activities, and how residents can take control of their parks. In response to a question, Ms. Van Nimwegen noted that she is the City's point of contact for issues and concerns related to homelessness.

Mr. Ching and Ms. Farrell explained that staff will be incorporating measurable goals and impacts related to homelessness into the strategic management process; this is anticipated to guide decisions during the budget process. Staff and service providers are in the process of collecting data to measure Tempe's homeless population to develop goals and identify the best methods to serve these individuals. Funding has been budgeted for activities that will achieve measureable goals.

Councilmembers expressed concern that Papago Park is in a state of crisis; short term solutions should be implemented as soon as possible. Parks users should feel safe, respect the environment, and respect the rights of others. Discussion continued regarding the importance of not criminalizing homelessness and enforcing laws in a compassionate way.

Councilmembers discussed various ways to address the homelessness issue, as follows:

- Implement short-term solutions to address immediate needs for homelessness services, and develop long-term housing solutions.

- Continue to develop and maintain relationships by increasing outreach to the homeless population.
- Explore ways to prevent individuals and families from becoming homeless.
- Determine the number of homeless individuals that are using existing resources and services.
- Explore the possibility of opening City facilities, such as the Escalante Community Center, at night to accommodate the overflow of clients from the Interfaith Homeless Emergency Lodging Program (IHELP).
- Explore successful homelessness initiatives that have been implemented in other cities; present *good, better, best* options.
- Engage the Maricopa Association of Governments to strengthen regional collaborations.
- Determine whether the City can leverage or enhance existing programs, in collaboration with community partners.
- Collect data to determine if there is a need to focus on a particular homeless subpopulation.
- Consider scheduling various neighborhood park activities and promoting the Adopt-A-Park program.
- Explore partnerships with the medical industry to announce the locations and frequency of medical clinics for the homeless.
- Discuss panhandling activity.

Councilmembers continued discussions regarding homelessness statistics from the National Law Center on Homelessness and Poverty. Homeless individuals are experiencing crisis and trauma. The City should continue to reach out to chronically homeless individuals to offer services and assistance in finding a stable housing solution. The hours of operation for Tempe's Tumbleweed Youth Resource Center should be expanded; this facility may need more resources during certain times of the year.

In response to a question, Ms. Van Nimwegen explained that all entities receiving HUD funds are required to use the Homeless Management Information System (HMIS). The City also uses a regional assessment tool called "VI-SPDAT" (Vulnerability Index-Service Prioritization Decision Assistance Tool), to assess homeless individuals and match them to the appropriate housing solution.

In response to questions, David Humble, Police Commander, stated that staff will present recommendations on Police Department (PD) resources needed to address health and safety issues in parks. Police officers have been educating homeless individuals on available resources and park rules. The PD will continue enforcing laws to ensure the safety of all park users. Various City departments are engaged in addressing homelessness issues. A majority of the Park Police Officer's time has been spent in Papago Park; additional resources may be needed for monitoring other neighborhood parks.

Councilmembers discussed the importance of ensuring the safety of the Park Police Officer, receiving feedback from the Officer regarding his interactions, and assigning a follow-up team to provide information regarding available services to homeless people. Councilmembers and Ms. Farrell discussed the importance of assessing and engaging homeless individuals to determine if they need immediate services or permanent housing.

Based on the discussion, staff will provide follow-up information via a memorandum or at a future Work Study Session regarding the following:

- Activities involving enforcement of City park and public space regulations, and guidance for homeless individuals to utilize available services.
- Create a multi-departmental team to identify issues and develop strategies related to homelessness.
- Develop measurable goals and strategies related to homeless services and the impacts of homeless-related activities for City Council consideration and inclusion in the City's strategic management plan.
- Reallocate or identify additional funding, staffing, and resources needed to focus on short-term solutions. Provide information regarding whether the two homeless outreach positions should be full-time City employees.
- Determine if there are any Project-Based Housing Vouchers available.
- Consider increasing the number of trash receptacles, improve signage, and prune overgrown trees and collect data to evaluate the effectiveness of these solutions. Explore other solutions such as additional patrols or lighting.
- Continue compassionate enforcement of City rules and ordinances.
- Identify if changes are needed to City policies and procedures.

Code Enforcement Commercial Survey

Jeff Tamulevich, Interim Community Development Director, delivered a slide presentation outlining the process and results of a recent Code Enforcement Commercial Survey. The survey consisted of a random sampling of commercial properties to quantify City Code (Code) violations based on eight categories related to property maintenance and appearance; evaluate the effectiveness of City programs and services; and serve as a benchmark for the aesthetic condition of the City. Staff did not issue code violation notifications based on the survey findings.

Mr. Tamulevich stated that two of the most referenced concerns noted in the annual Community Attitude Survey have consistently been the City's enforcement of property maintenance codes and the appearance of commercial properties. In the past year, staff has increased the number of inspections and the issuance of proactive violation notices, decreased inspection times, and reduced the amount of time it takes to close a case. The 2014 Community Attitude Survey revealed a 10% increase in citizen satisfaction in property maintenance code enforcement. Staff will continue to proactively focus on areas of concern identified by survey respondents.

Mr. Tamulevich discussed the survey methodology, categories of properties surveyed, categories of items being evaluated, and how items were scored and evaluated, as compared to the 2014 survey. He detailed the survey results and stated that staff will focus on improving the results in all of the survey categories. He presented a map illustrating the score results of the properties surveyed. Staff will retain a vendor to conduct the next commercial property survey in order to gather data from a larger number of respondents and to seek feedback for making program improvements. Staff will continue to develop education and enforcement programs, with an emphasis on providing quality customer service.

Councilmembers discussed refining compliance goals for some of the survey categories. Staff should seek input from the vendor hired to conduct the survey, businesses and property owners, the newly hired Community Development Director, and various stakeholders. Councilmembers also discussed mailing letters to commercial property owners informing them of Code violations identified in the survey.

Councilmembers, Mr. Tamulevich, and Andrew Ching, City Manager, discussed the process of addressing Code violations and bringing commercial properties into compliance. Councilmembers requested information regarding the resources needed to verify that a commercial property meets Code requirements in all eight categories, prior to issuing a City license or special event permit to the property owner. Councilmembers also emphasized the importance of deferring to the expertise of previous City Councils and staff, and continuing to enforce the property maintenance code.

Based on the discussion, staff will review the compliance goals for trees, shrubs, lighting and property address numbers, and return to the City Council with recommendations for improved goals that represent acceptable levels of compliance. Stakeholder input will be included in the process. Staff will also maintain a two-year cycle of code enforcement updates to the City Council, investigate the benefits and costs of outsourcing the commercial property survey, and send courtesy letters to the owners of commercial properties surveyed that have property maintenance violations.

Early Voting Dates at the Tempe Public Library

Brigitta Kuiper, City Clerk, stated that staff is seeking direction from the City Council to allow the City to host early voting on Saturdays, October 22, and October 29, 2016, from 10:00 a.m. to 4:00 p.m., at the Tempe Public Library, and to continue early voting on Saturdays for all future City elections. Ms. Kuiper noted that early voting continues through November 4, 2016, and is also available on weekdays at the Library. The Maricopa County Elections Department and Library staff are able to provide the resources necessary for early voting on Saturdays.

Councilmember Kuby noted that an additional early voting site is located on the Arizona State University campus and has the same hours of operation as the Library.

The City Council agreed to expand the early voting hours of operation at the Tempe Public Library to include Saturday, October 22, and October 29, 2016, from 10:00 a.m. to 4:00 p.m. and to continue early voting on Saturdays for all future City elections.

Future Agenda Items

None.

The meeting was recessed at 6:38 p.m. for a break and reconvened at 6:46 p.m. with all Councilmembers present.

Call to the Audience

None.

Committee of the Whole Items

Items ready for City Council Direction or Status Update

None.

New Items for City Council Consideration

Local Opioid Epidemic Plan

Councilmember Navarro noted that he serves on the National League of Cities/National Association of Counties' Opioid Task Force, created to address the epidemic use of opioids. He requested that a working group be created to explore a regional approach for best practices in prevention and outreach; and, discussed various stakeholders that should be included in this process.

Councilmembers agreed to move this item forward for study. The working group will include Vice Mayor Arredondo-Savage and Councilmembers Keating and Navarro.

Penalty for Knowing Material Misrepresentations to City Council

Councilmember Granville explained that he and Councilmember Schapira are requesting to create a working group to explore the possibility of imposing a penalty when individuals, either representing themselves or representing others, knowingly make incorrect statements to the City Council.

Councilmembers discussed how incorrect statements may affect how Councilmembers vote on development cases; ramifications of lying to a quasi-judicial, judicial, or legislative body; potentially imposing a penalty for lying; impacts to the public comment and public hearing processes; and, the lack of time that Councilmembers have to verify information. Councilmembers' votes should be based on accurate information. This would be a complaint driven process whereby legal staff would investigate claims.

In response to a question, Judi Baumann, City Attorney, explained that the Zoning and Development Code (ZDC) provides for revocation of a permit or a project approval if the governing body relies upon incorrect information when making a decision. Councilmember Schapira noted that the ZDC provision only applies to applicants who submit incorrect material or incomplete information.

Mayor Mitchell, Vice Mayor Arredondo-Savage, and Councilmembers Navarro and Kuby recommended not moving this item forward for further study, based on the following:

- Councilmembers are responsible for researching issues before making decisions on agenda items.
- It is unclear who would determine what is a truth versus a lie or a misrepresentation.
- The proposed regulation would hinder public comment; and, would cause residents to distrust the City Council.
- Councilmembers have sufficient opportunity to evaluate public comment on development projects throughout the public hearing process; and, should believe that the majority of speakers are honest.
- This would be an inappropriate use of staff time and resources.

In response to a question, Ms. Baumann stated that she believes that the City Council's bylaws do not address actions to be taken if an individual lies before the City Council when the City Council is acting as a quasi-judicial body. Individuals speaking at a City Council public hearing are not required to take an oath in order to speak.

Councilmembers Granville and Schapira stated that this idea is worth exploring due to the following:

- This proposed process would address instances where an individual knowingly makes a false statement to the City Council.
- The City would have to prove whether the statement was false, and if the individual knew it to be false when the statement was made.
- Councilmembers should be able to trust the accuracy of information presented at City Council meetings.

Councilmember Granville stated that if this item moved forward for further study, the working group would also explore if this proposal would apply to Councilmembers and e-mail correspondence.

Councilmember Keating stated that he is not likely to support a City Code change regarding a penalty for a knowing material misrepresentation to City Council; however, he would support further study of this issue with the provision that it does not overburden staff resources.

Based on the discussion, a majority of the City Council agreed not to establish a working group.

Items in Progress – updates as needed

Plastic Bag Ban

Councilmember Kuby provided an update regarding her lawsuit challenging a State law that bars cities from regulating plastic bags and mandating recycling. A Judge recently ruled that she has no legal standing because Tempe does not have an ordinance regulating plastic bags and mandating recycling. The City of Bisbee, which has a regulation regarding plastic bags, is challenging the State law. The Working Group may consider the possibility of Tempe filing an amicus brief in support of Bisbee, and, explore a potential voluntary initiative by a local food chain to replace their plastic bags with paper bags.

Mayor's Announcements/City Manager's Announcements

None.

Future Meeting Date:

November 3, 2016, at 4:00 p.m., City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

The meeting adjourned at 7:19 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the City Council Work Study Session of October 13, 2016, by the Tempe City Council, Tempe, Arizona.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk